



PATENT
Customer Number 22,852
Attorney Docket No. 4189.0083-06000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)

THOMPSON et al.)

Serial No.: 08/482,283)

Filed: June 7, 1995)

For: NUCLEIC ACIDS ENCODING)
INTERLEUKIN-1 INHIBITORS)
AND PROCESSES FOR)
PREPARING INTERLEUKIN-1)
INHIBITORS)

Group Art Unit: 1647

Examiner: Spector, L.

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

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TERMINAL DISCLAIMER

Petitioner ("assignee") The Regents of the University of Colorado, a body corporate, a not-for-profit Colorado corporation, and having a place of business at 201 Regent Administrative Center, Boulder, CO 80309, represents that it is the joint assignee with Amgen Inc. of the entire right, title and interest in and to the above-identified U.S. Application No. 08/482,283, filed June 7, 1995, for Nucleic Acids Encoding Interleukin-1 Inhibitors and Processes for Preparing Interleukin-1 Inhibitors, in the name of Thompson et al. as indicated by the attached copy of the Assignment from Amgen Inc. signed February 4, 2004, which is being submitted for recordation on February 4, 2004, the attached copy of the Certificate of Ownership and Merger of Amgen Boulder Inc. With and Into Amgen Inc., which is being submitted for recordation on February 4, 2004, the attached copy of the Certificate of Amendment to the

Certificate of Incorporation of Synergen Inc., which is being submitted for recordation on February 4, 2004, and the assignments duly recorded in U.S. Patent Application No. 07/850,675 at Reel 6121, Frame 0254; at Reel 6121, Frame 0257; at Reel 6121, Frame 0260; at Reel 6121, Frame 0263; and at Reel 6121, Frame 0266. The Regents of the University of Colorado further represents that it is the joint assignee with Amgen Inc. of the entire right, title and interest in and to U.S. Patent No. 5,075,222, issued December 24, 1991, for Interleukin-1 Inhibitors, in the name of Hannum et al. as indicated by the attached assignment signed February 26, 2003, which is being submitted for recordation on February 4, 2004, the assignment recorded in U.S. Patent Application No. 07/506,522 at Reel 6073, Frame 0346, and the assignments duly recorded in U.S. Patent Application No. 07/266,531 at Reel 4996, Frame 0768 and at Reel 5203, Frame 0670.

To obviate a double patenting rejection, The Regents of the University of Colorado hereby disclaims, under the provisions of 37 C.F.R. § 1.321, the terminal part of any patent granted on the above-identified U.S. Application No. 08/482,283, which would extend beyond the expiration date of U.S. Patent No. 5,075,222, and hereby agrees that any patent so granted on U.S. Application No. 08/482,283 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 5,075,222, this agreement to run with any patent granted on U.S. Application No. 08/482,283 and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, assignee does not disclaim the terminal part of any patent granted on U.S. Application No. 08/482,283 that would extend to the

expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent No. 5,075,222 as presently shortened by any terminal disclaimer, in the event that U.S. Patent No. 5,075,222: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term, as presently shortened by any terminal disclaimer.

The undersigned is authorized to act on behalf of assignee The Regents of the University of Colorado.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$110.00 is being filed with this disclaimer.

If there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to Deposit Account No. 06-0916. If any further fee and/or petition is required for an extension of time under 37 C.F.R. § 1.136 and is not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account No. 06-0916.

I hereby declare that all statements made of my own knowledge and belief are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section



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TERMINAL DISCLAIMER

Petitioner ("assignee") Amgen Inc., duly organized under the laws of the State of Delaware and having its principal place of business at One Amgen Center, Thousand Oaks, CA 91320-1789, represents that it is the joint assignee with The Regents of the University of Colorado of the entire right, title and interest in and to the above-identified U.S. Application No. 08/482,283, filed June 7, 1995, for Nucleic Acids Encoding Interleukin-1 Inhibitors and Processes for Preparing Interleukin-1 Inhibitors, in the name of Thompson et al. as indicated by the attached copy of the Certificate of Ownership and Merger of Amgen Boulder Inc. With and Into Amgen Inc., which is being submitted for recordation on February 4, 2004, the attached copy of the Certificate of Amendment to the Certificate of Incorporation of Synergen Inc., which is being submitted for recordation on February 4, 2004, and the assignments duly recorded in U.S. Patent

Application No. 07/850,675 at Reel 6121, Frame 0254; at Reel 6121, Frame 0257; at Reel 6121, Frame 0260; at Reel 6121, Frame 0263; and at Reel 6121, Frame 0266. Amgen Inc. further represents that it is the joint assignee with the Regents of the University of Colorado of the entire right, title and interest in and to U.S. Patent No. 5,075,222, issued December 24, 1991, for Interleukin-1 Inhibitors, in the name of Hannum et al. as indicated by the Certificate of Ownership and Merger of Amgen Boulder Inc. With and Into Amgen Inc., which was duly recorded at Reel 9845, Frame 0147, the Certificate of Amendment to the Certificate of Incorporation of Synergen Inc., which is was duly recorded at Reel 9845, Frame 0143, and the assignments duly recorded in U.S. Patent Application No. 07/266,531 at Reel 4996, Frame 0768 and at Reel 5203, Frame 0670.

To obviate a double patenting rejection, Amgen Inc. hereby disclaims, under the provisions of 37 C.F.R. ' 1.321, the terminal part of any patent granted on the above-identified U.S. Application No. 08/482,283, which would extend beyond the expiration date of U.S. Patent No. 5,075,222, and hereby agrees that any patent so granted on U.S. Application No. 08/482,283 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 5,075,222, this agreement to run with any patent granted on U.S. Application No. 08/482,283 and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, assignee does not disclaim the terminal part of any patent granted on U.S. Application No. 08/482,283 that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. ' ' 154 to 156 and 173 of U.S. Patent No. 5,075,222 as presently shortened by any terminal disclaimer, in the event that U.S. Patent No. 5,075,222: expires for failure to pay a maintenance fee, is

1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

4 Feb 04

Date

Respectfully submitted,

David N Allen

Name: DAVID N. ALLEN

Title: Assoc. VP

held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. ' 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term, as presently shortened by any terminal disclaimer.

The undersigned is authorized to act on behalf of assignee Amgen Inc.

In accordance with the fee schedule set forth in 37 C.F.R. ' 1.20(d), the required fee of \$110.00 is being filed with this disclaimer.

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I hereby declare that all statements made of my own knowledge and belief are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

2/4/04
Date

Respectfully submitted,

^{TO}
Stuart L. Watt
Name: Stuart L. Watt
Title: Vice President, Law